

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

D'ANDRE ALEXANDER #731077,

Plaintiff,

Case No. 2:16-CV-65

v.

HON. GORDON J. QUIST

DAVID ISARD, et al.,

Defendants.

ORDER ADOPTING
REPORT AND RECOMMENDATION

On February 14, 2017, Magistrate Judge Greeley issued a Report and Recommendation recommending that the Court grant in part and deny in part Defendants' motion for partial summary judgment based on Plaintiff's failure to exhaust administrative remedies. In particular, the magistrate judge recommended that the Court grant the motion with regard to Plaintiff's claims against Defendant McLeod and deny the motion in all other respects. The Report and Recommendation was duly served on the parties on February 14, 2017. No objections have been filed pursuant to 28 U.S.C. § 636(b). Therefore the Court will adopt the Report and Recommendation.

Therefore,

IT IS HEREBY ORDERED that the February 14, 2017, Report and Recommendation is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that Defendants' Motion for Partial Summary Judgment (ECF No. 19) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff's claims against

Defendant McLeod are **DISMISSED WITHOUT PREJUDICE** based upon lack of exhaustion.
The motion is **DENIED** with regard to Plaintiff's retaliation and Eighth Amendment claims against
Defendants Isard, LaLonde, and Wood.

Dated: March 8, 2017

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE